

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ENVIRONMENTAL
ADVOCATES,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*

Defendants,

and,

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Defendant-Intervenor.

Case No. 2:19-cv-01537-BJR

**COMBINED JOINT STATUS
REPORT AND STIPULATED
SCHEDULING MOTION AND
ORDER**

The Parties to this case have been exploring settlement for the past several months. Following the Parties' most recent status report, filed on July 26, 2021, the Court ordered the Parties to file an additional joint status report by January 5, 2022. Dkt. No. 47. The Parties'

1 negotiations are ongoing. The Parties request an additional 180 days to continue those
2 negotiations.

3 Over the past several months, the Parties have continued their discussions on a set of
4 issues related to the development of Total Maximum Daily Loads, or TMDLs, including the
5 prioritization of future TMDL projects. The Parties have also given further consideration to the
6 structure of a potential settlement. Talks in this phase have principally involved extensive direct
7 discussions among client representatives. The Parties believe that affording them an
8 approximately 180-day period to further discuss these and related issues, before establishing
9 dates for initiating contested litigation proceedings, would greatly facilitate those settlement
10 discussions, and potentially preserve the resources of the Parties and the Court.

11 Accordingly, the Parties jointly request that the Court order them to file a status report by
12 July 8, 2022, to advise the Court of the status of their discussions and whether they request
13 additional time to pursue settlement should that be appropriate. If the Parties conclude that
14 additional discussions are not warranted at that time and so advise the Court, then the Parties
15 request that the Court direct them to file, no later than July 29, 2022, a supplemental joint status
16 report and proposed schedule that addresses the remaining matters in the Court's initial
17 scheduling order. Dkt. No. 10.

18 ORDER

19 Based on the foregoing joint motion and stipulation, and for good cause shown, the
20 Parties shall file a status report no later than July 8, 2022, apprising the Court of the status of
21 their discussions concerning a possible settlement and indicating whether they request additional
22 time to pursue such discussions. In the event the Parties conclude that such additional
23 discussions are not warranted and so advise the Court, the Parties shall then file, no later than
24 July 29, 2022, a supplemental joint status report and proposed schedule that addresses the
25 outstanding matters in the Court's initial scheduling order.
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4 It is so ordered, this 27th day of January 2022.
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8 Hon. Barbara J. Rothstein
9 United States District Judge
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1 Respectfully submitted and stipulated to:

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3 By:

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Assistant Attorney General

5 /s/ Gus Maxwell

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed with the Clerk of the Court January 5, 2022, using the Court's electronic filing system, which will send notification of said filing to the attorneys of record that have, as required, registered with the Court's system.

/s/ Gus Maxwell
GUS MAXWELL